

BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
May 9, 2006

The Board of County Commissioners of Leon County, Florida met in regular session on May 9, 2006 at 3:00 p.m. with Chairman Proctor presiding.

Present were Commissioners Thael; Sauls; Grippa; Rackleff; and DePuy.  
Also present were County Attorney Herb Thiele; County Administrator Parwez Alam; and Deputy Clerk Diane Norvell.

*Chairman Proctor acknowledged a letter he received from Commissioner Winchester stating he will be absent because he is at the Anderson Cancer Center in Houston, Texas at his father's bedside. Chairman Proctor asked that everyone pray for Commissioner Winchester and his family during this challenging time they are facing.*

**Invocation and Pledge of Allegiance**

The Invocation was provided by Ms. Lucy Ho. Vice-Chairman DePuy then led the Pledge of Allegiance to the Flag.

**Awards and Presentations**

**Resolutions**

- Commissioner Rackleff presented a Resolution recognizing Neil Rambana and Elizabeth Ricci of Rambana & Ricci, an Immigration Law Firm who provide invaluable service to newly emigrated members of our community for Invaluable Contributions to World Heritage.
- Commissioner Rackleff stood in for Commissioner Winchester presenting a Resolution recognizing May 14 – 20, 2006 as National Dog Bite Prevention Week to Richard Ziegler, Leon County Animal Control Director; Alex Mahon, Environmental Health; and Ms. Marlene Hopkins, United States Post Office.
- Richard Ziegler thanked Commissioner Winchester and his Aide Judith Dougherty for sponsoring this Resolution along with the entire Board for their support.
- Commissioner Depuy presented a Resolution to Tom Waits, Chairman Tourist Development Council Recognizing May 13 – 19, 2006 as Tallahassee-Leon County Tourism Week to promote the importance of tourism in enhancing the economic, social, cultural and overall quality of life

for Leon County residents and visitors. An estimated 2,000,751 visitors in 2005 generated \$772,000,000, and 13,866 citizens benefited from tourism related employment generating \$167 million in payroll by the local tourism industry.

- Commissioner Proctor presented a Resolution to Tom Quillin, Chief of Emergency Medical Services celebrating May 14 – 20, 2006 as Emergency Medical Services Week, "EMS: Serving on Health Care's Front Lines." Commissioner Proctor stated how fortunate Leon County is to have such a dedicated work force, professionals who are truly committed to emergency services.
- Tom Quillin, asked the members of the Volunteer Fire Department to stand and be recognized and thanked everyone for their support. Chief Herndon, Fire Department EMS expressed her thanks for the Board's decision to include the TFD as a joint member in providing Leon County with a quality pre hospital care program.
- Commissioner Proctor presented a Resolution to Homer Rice, Leon County Health Department recognizing the 75<sup>th</sup> Anniversary of the Leon County Health Department and commending its mission to "Prevent Disease, Promote Health". Commissioner Proctor stated that to have the County support public health for 75 years says a lot about the community of Leon County. He was very proud to present this Resolution.
- Homer Rice thanked the Board and invited everyone to celebrate their 75<sup>th</sup> Anniversary. Chairman Proctor will provide the opening remarks and Dr. E. Charlton Prather – a legend in Florida Public Health will be the keynote speaker. Mr. Rice referred to a brochure handed out that gave an overview of some of the achievements the Health Department has made.
- Commissioner Proctor stated he wanted to take a moment of privilege to acknowledge the Board's open-minded consideration given to improving public health – the uninsured, indigent, less fortunate financially. He asked each Commissioner to have an open mind to opportunities the Board can actually bestow upon citizens of Leon County to make this community healthier adding that making a community healthier also makes it wealthier.
- Commissioner DePuy recognized Dr. Madhukar from India in attendance who is in rural development, a guest of Dr. Muchovej from FAMU studying local government and welcomed him to Tallahassee. Commissioner DePuy extended a welcome from the Leon County Commission and commended him for taking the time to watch 'democracy in American government' in action.

- Dr. Madhukar stated his group is here as part of a student group exchange to study the culture, life and government of the United States. He is very glad to be here and thanks the Board for their warm reception from the bottom of his heart. He is learning a lot about the systems here.

## **CONSENT**

ACTION TAKEN: Items #4 and #10 were pulled for discussion.

Commissioner Sauls moved, duly seconded by Commissioner DePuy to approve the remainder of the Consent Agenda. Motion carried 6-0, with Commissioner Winchester out of Chambers.

1. Approval of Minutes of: October 6, 2005 Special Meeting on Joint City/County Comprehensive Plan 2005-2 Cycle Amendments; October 6, 2005 Special Meeting on Joint City/County Comprehensive Plan 2006-1 Cycle Amendments; October 19, 2006 Joint City/County/School Board Meeting; and March 28, 2006 Regular Meeting

The Board approved Option 1: Approve the minutes of: October 6, 2005 Special Meeting on Joint City/County Comprehensive Plan 2005-2 Cycle Amendments; October 6, 2005 Special Meeting on Joint City/County Comprehensive Plan 2006-1 Cycle Amendments; October 19, 2006 Joint City/County/School Board Meeting; and March 28, 2006 Regular Meeting.

2. Approval of Payment of Bills and Vouchers Submitted for Approval for May 9, 2006 and Pre-approval of Payment of Bills and Vouchers for the Period May 10, 2006 through May 22, 2006

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for May 9, 2006, and pre-approve payment of bills and vouchers for the period May 9, 2006 through May 22, 2006.

3. Approval of 2006 Board Retreat Priority Action Plans and First Quarter Status Reports

The Board approved Options 1 and 2: 1) Accept the Actions Plans and First Quarter Status Report developed for 2006 Board Retreat Priorities and proposed actions taken on Administrative Issues; 2) Accept the status report on the carryover 2005 Board Retreat priorities.

4. Acceptance of the 2006 Affirmative Action/Equal Employment Opportunity Annual Report

*This item was pulled for discussion by Commissioner Proctor.*

- Commissioner Proctor stated he is very disappointed with the County's Affirmative Action and Equal Opportunity efforts starting with efforts regarding personnel on the fifth floor. He noted the Annual Report largely represents strides made in the Management Intern Program which is not a substitute for hiring African Americans. Over the last several years, the fifth floor has become almost lily white. With the exception of Commissioner Grippa's Aide and Commissioner Proctor's Aide there are no Blacks associated with Senior Administration. Commissioner Proctor spoke regarding the Finance Office, Mr. Rosenzweig's Office and the MIS Office, Pat Curtis' Office and posed the question – what is it that prohibits and prevents these offices from having any African American presence. Commissioner Proctor asked Mr. Moore to address this issue.
- Mr. Clarence Moore, Human Resources stated the County is doing well in its recruitment efforts. There are areas where African American women are not represented the way they had hoped they would be. The attempt by the Human Resources Office to get that representation is not just by means of the Management Intern Program. Mr. Moore stated they have on- the- job training programs and merit promotion programs, where African Americans and women can be elevated to the levels Commissioner Proctor is speaking to. Human Resources is educating their managers in recruitment efforts and how to tap into looking into the pools of applicants to get qualified applicants with more diverse backgrounds and women. However, most positions that become available are because of attrition. They have not had that many turnovers in the areas where there is under representation. Mr. Moore indicated Human Resources has notified managers in the areas that have obvious under representation regarding their recruitment efforts.
- Commissioner Proctor asked what the response is from these Managers since he does not see an increased presence in the under represented areas.
- Mr. Moore stated there is an improvement over last year's report. The goals have not been met yet, but there has been improvement.
- Commissioner Proctor stated he is deeply disturbed especially with the Fifth Floor and that he has mentioned to the County Administrator previously that he is asking him to do better. He cannot believe there are historic black colleges and universities training up to the P.H.D. level and the 5<sup>th</sup> Floor, the leadership floor is vacant of people directly associated. In years past, he acknowledged the County Administrator has been the flag bearer of diversity. Commissioner Proctor stated he would like to see that standard re-acquired. Commissioner Proctor related he is very disappointed that the technical powerhouse that is growing in one department – the MIS Department is not keeping the same measure in terms of diversity and in terms of 'human' growth.
- County Administrator Alam acknowledged the lack of African American personnel currently on the fifth floor and reported he will try to do better regarding this issue. However, what has happened over the years is that the people of color previously on the fifth floor were promoted and moved

on. Lillian Bennet and Wanda Hunter are examples, as is Gary Johnson. County Administrator Alam reported that any personnel of any color who reach the fifth floor get exposure to county wide issues and often when there are new openings they move on. The fifth floor actually has very few staff positions and that currently we are in the cycle where you do not see many African Americans on the fifth floor – he agrees with that. County Administrator Alam expressed he will try to do better.

- Commissioner Proctor thanked County Administrator Alam.

Commissioner Sauls moved, seconded by Commissioner DePuy to approve Option 1: Accept the 2006 Affirmative Action/Equal Employment Opportunity Annual Report and identified goals. Motion carried 6-0, with Commissioner Winchester out of Chambers.

- Commissioner Proctor thanked Mr. Moore for his efforts toward encouraging County Managers to make diversity among employees hired a priority as well as making efforts to hire more women especially in departments where these numbers reflect a need to make a special effort to do so.
5. Ratification of Board Actions Taken at the April 25, 2006 Workshop on GEM Code Enforcement Program and Related Issues

The Board approved Option 1: Ratify the Board actions taken at the April 25, 2006 Workshop on Leon County's Code Enforcement Program and Related Issues.

6. Confirmation of Board Appointments to the Committee Recommended by the GEM Permit Process Focus Group

The Board approved Option 1: Approve confirmation of Board appointments to the committee recommended by the GEM Permit Process Focus Group.

7. Approval to Issue a Request for Proposals for Vendor Database and Registry System

The Board approved Option 1: Approve the issuance of the Request for Proposals for a MWSBE Vendor Database and Registry System.

8. Approval of Letter of Understanding between Leon County and Tallahassee Young Men's Christian Association, Inc., (YMCA) for the Lake Jackson Community Center and YMCA

The Board approved Option 1: Approve the concept of jointly developing and operating the Lake Jackson Community Center with the Tallahassee YMCA and Boys and Girls Club of the Big Bend and authorize staff to continue with concept development.

9. Approval of Resolution and Budget Amendment Request Recognizing Revenues from the Federal Emergency Management Agency and the Department of Community Affairs for Debris Removal Expenditures Incurred During Hurricane Jeanne

The Board approved Option 1: Approve the attached resolution and budget amendment request recognizing revenues from the Federal Emergency Management Agency and the Department of Community Affairs from storm debris removal expenditures incurred during Hurricane Jeanne.

10. Ratification of Actions Taken at the April 25, 2006 Workshop on Integrated Solid Waste Management Plan

*This item was pulled for discussion by Commissioner Rackleff.*

- Commissioner Rackleff stated he pulled this item because he was concerned the Board made a decision in haste that the constituents will regret regarding the County not putting out for competitive bids for the Waste Hauling contract. Waste Management, Inc. has had this contract for 20 years. Commissioner Rackleff stated there has been no competition nor competitive bidding in twenty years. In the last five years Waste Management has brought in revenues of \$21 million dollars - this is not a small contract. Commissioner Rackleff referred to a log of complaints totaling 4,898 in 2005 alone. Commissioner Rackleff reported he has received many calls and e-mails on this matter. He then referred to an article "Positioning Waste Management, Inc. for the Future" that proposed many more profitable and innovative ways to look at Waste Management.

*Commissioner Rackleff spoke at length regarding alternatives to using Waste Management, Inc.*

Speakers:

Erica Mott, 6748 -A Apalachee Parkway personally thanked Commissioner Rackleff for pulling this item for discussion. She stated there are a lot of complaints in Leon County. She is upset over the lack of a public hearing and a lack of a competitive bid process regarding Waste Management. Ms. Mott took her personal vacation time to speak on this issue and has called and reported a failure of service more than two dozen times. She indicated that it took a phone call to the County Administrator before anyone seriously reviewed her case. The company has not responded.

Commissioner Rackleff moved, seconded by Commissioner Thael to approve amended versions of Options 1, 2 and 3: 1) Approve the Solid Waste Budget and 2) Mandatory Collection Area Solid Waste Workshop and Adopt the Resolution establishing the Solid Waste Tipping Fees for FY07-FY11; and 3) Opening up to competition.

*Commissioner Rackleff called for a point of order regarding Mr. Bateman's requesting more than 3 minutes to speak when the public speaker was limited to three minutes.*

- Commissioner Rackleff asked can other speakers have as much time as they need or is this just a privilege for Mr. Bateman.
- Commissioner Proctor stated that Mr. Bateman has a material interest in the outcome of this matter as well as a substantive interest.
- Rick Bateman 300 East Park Avenue, representing Waste Management Inc. (WMI) reported that in 2005 the County received an average of monthly complaints of 6.6 against Waste Management for a total of 80 over the year. This year that has increased to an average of 1 a day for a total of 87. Mr. Bateman gave a history of what Waste Management has charged over the years. He then discussed what yard trash is and what WMI does not pick up. There are 60 instances a day where WMI picks up materials not included in the definition of what they are supposed to pick up. Mr. Bateman distributed pictures of what WMI does not pick up. WMI has now been abiding by the contract and not picking up what they are not supposed to and therefore are receiving more complaints. They are not picking up trash from people who are not customers as they did in the past.

*Mr. Bateman discussed the complaints received at length with explanations from WMI and discussed what the County wanted WMI to pick up.*

- Commissioner Proctor confirmed with Staff there has been no raise in fees by Waste Management, Inc. since the fiscal year of 1995/96.
- Mr. Alan Rosenzweig, Director OMB reported there are two different rates. The rates on that information is the rate at the transfer station for the tipping fee. What Staff is speaking with the current resolution is the subscription rates for customer for pick up. He explained there are two items that were discussed at the Workshop the one in hand is not the item Mr. Bateman is addressing. The franchise the Board is negotiating is for the pick up - the subscription service in the unincorporated area - Part 1. Part 2 or what the resolution addresses is the tipping fee at the transfer station and the landfill.
- Commissioner Proctor confirmed that one county pays \$60 a ton for pick up, another pays \$80 and WMI is talking about going from \$29 to \$34 a ton for pick up in Leon County. He is very pleased with those prices. The tipping fee will only be \$39 per ton which is light years behind our neighboring counties.

- Commissioner Thael stated he agrees with Commissioner Proctor that holding down the costs at the landfill is wonderful; but that has nothing to do with the issue before the Board tonight. Commissioner Thael stated he did appreciate that when Leon County had major storms WMI came through and picked up the trash and doesn't believe they even charged the County. Commissioner Thael stated this was an additional community service and WMI should be recognized for that. Commissioner Thael stated we need better consumer education as Mr. Bateman stated. Also, perhaps training within WMI regarding handling customer complaints could be initiated. Commissioner Thael stated competition is healthy though to enable the Board to see what other options are available so the Board can provide the best service to the citizens.
- Commissioner Grippa asked staff when this contract was first put in place.
- Staff answered the recent contract has been in place since 1986 with two extensions.

*Commissioner Grippa discussed issues surrounding the length of the contract with Waste Management at length.*

Commissioner Grippa moved a substitute motion, seconded by Commissioner Sauls to approve Options 1 and 2: 1) Ratify actions taken at the April 25, 2006 Workshop on the Integrated Solid Waste Management Plan, and 2) Adopt the Resolution establishing the Solid Waste Tipping Fees for FY07-FY11. Substitute motion carried 4-2, with Commissioners Thael and Rackleff opposed and Commissioner Winchester out of Chambers.

- Commissioner DePuy stated there are some problems with Waste Management, but he does not think they are problems that cannot be overcome. Commissioner DePuy stated this is a thankless profession, but it is an important function. He noted that 273,000 stops a week are made. Commissioner DePuy suggested that even if there is a low rate of complaints – no one wants to be among those people whose garbage is not picked up. He stated no matter how good a job WMI is doing – it is not good enough or the citizens would not be at the meeting nor would these complaints have been sent in. Commissioner DePuy wants the complaints addressed and asked Staff if there are any punitive measures the Board can take if WMI does not address the citizens' complaints.
- Tony Park, Director of Public Works stated the contract can be terminated and discussed that process. He reported administrative charges are also a punitive measure the Board could take.
- Commissioner Sauls stated that financially the contract Leon County has with Waste Management, Inc. is very good. She does however want a commitment from Waste Management that there will be better communication, especially on 'yard trash'. Commissioner Sauls stated most of the calls her office receives is on the 'yard trash' issue and that either



better education or changing the requirement for the size of the pick up may be a solution. Commissioner Sauls stated she wants to ensure they have a contact person at WMI, as they have in the past if there are problems. Commissioner Sauls indicated in all fairness to WMI some of the issues have been situations where people have moved out and left the trash and no one is paying for that service. Leon County does have a good contract with WMI. Commissioner Sauls asserted if the problems citizens are having are not addressed the Board can always look at this issue again.

- Commissioner Rackleff stated he is going to vote against the substitute motion since it denies consumer protection for one thing. Commissioner Rackleff asked Mr. Bateman about WMI's plans to put up for sale \$900 million worth of operations and asked if the Leon County operations is on that list.
  - Mr. Bateman stated WMI's executives do not confer with him about their plans for the future.
  - Commissioner Rackleff asked Mr. Bateman if he could ask his client to submit that information to the Board.
11. Authorization to Remove Members and Appoint New Members to the Parks & Recreation Advisory Team (PRAT)
- The Board approved Options 1 and 2: 1) Authorize staff to remove members Mr. Alfreda Bea, Mr. Nathional Williams, and Mr. Michael Perkins from the Parks and Recreation Advisory Team and 2) Direct staff to seek new appointments to the Parks & Recreation Advisory Team to fill the vacancies.
12. Approval to Award Bid to Flint Equipment Company in the Amount of \$249,055 for the Purchase of a Hydraulic Track Excavator
- The Board approved Option 1: Approve the bid award to Flint Equipment Company in the amount of \$249,055 for the purchase of the John Deere Hydraulic Track Excavator.
13. Approval of Continuing Service Agreement with C. W. Roberts Contracting, Inc. for Open Graded Hot Mix Bituminous Pavement Pilot Projects
- The Board approved Option 1: Approve the Continuing Services Agreement awarding bid to C. W. Roberts Contracting, Inc., for the Open Graded Hot Mix Bituminous Pavement pilot projects and authorize the Chairman to execute.
14. Authorization to Enforce Section 10-19791 (D) (5) of the Leon County code of Laws to Collect Payment of Fees and Costs Incurred by Leon County for the Fallschase DRI Chapter 163 Agreement

The Board approved Option 1: Board authorization to allow the County Attorney's Office to enforce Leon County Code of Laws 10-197(D)(5), by collecting payment of attorney's fees and costs incurred by Leon County in the full amount of \$121,940.88.

15. Adoption of Resolution for Acquisition of Property by Eminent Domain for Bradfordville Road Stormwater Culvert Improvements Project

The Board approved Option 1: Adopt the Resolution for Acquisition of Property by Eminent Domain for Bradfordville Road Stormwater Culvert Improvements Project.

16. Approval of the Florida Forever Grant Funding Agreement with Northwest Florida Water Management District in the amount of \$1,000,000 for the Harbinwood Estates Drainage Improvements Project

The Board approved Options 1 and 2: 1) Approve Florida Forever Grant Funding Agreement in the amount of \$1,000,000 with Northwest Florida Water Management District and authorize Chairman to execute; and 2) Approve the Resolution and associated Budget Amendment Request for \$1,000,000.

**Citizens to Be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)**

Speakers:

Dorothy Inman-Johnson, 2121 Trescott Drive of the Capital Area Community Action Agency, Inc. was there to address the Tri State Affordable Housing Conference. There have been stories in the newspapers and on television about prices and the lack of affordable housing in Leon County. The current market rate for affordable housing far exceeds anything most average working citizens here can afford. Most of the rentals are based on 'student rental rates' in this county. Several entities are making an attempt to come together and develop some solutions to this very serious problem. She invited the Board members to attend. This conference is for government officials, banking institutions, builders, economic development commission representatives and citizens who want to make housing affordable. The Conference is June 7<sup>th</sup> and 8, 2006 in Tallahassee. She also asked for a Resolution in support of the Tri State Affordable Housing Conference recognizing the many attempts being made acknowledging families need for safe and quality housing.

- Commissioner Proctor asked County Administrator Alam if County Staff could join in this effort.

Commissioner Thael moved, seconded by Commissioner Grippa to have the County register and attend the Tri State Affordable Housing Conference to be held June 7 – 8, 2006; and approve placing the Resolution for the Tri-State Affordable Conference on the May 23, 2006 Regular Board of County Commission Meeting agenda. Motion carried 6-0, with Commissioner Winchester out of Chambers.

- County Attorney Thiele stated the meeting will be advertised as a Special Meeting of the Board since more than one Commissioner is planning to attend.

*There was Board discussion regarding whether or not two or more Commissioners attending would require a publicly noticed meeting and why.*

### **General Business**

In consideration of the law enforcement and emergency management personnel in attendance to address item #25 Chairman Proctor addressed this item at this point in the meeting.

- Commissioner DePuy expressed his appreciation for Commissioner Proctor's courtesy in taking this item at this point in the meeting considering the number of people in attendance from the Tallahassee Police Department and Leon County Sheriff's Department.

#### **25. Consideration of Next Steps for the Creation of a Joint Dispatch Center**

- Commissioner DePuy stated this item contains: a letter he sent to City Commissioner Lightsey; an organizational chart of a proposed set up of the Joint Dispatch Center; and a response letter from Mayor Marks. Commissioner DePuy acknowledged that the positive action of creating a Public Safety Communication Board (PSCB) was taken at the last BCC meeting. Commissioner DePuy reported there would be six Board Directors including the Sheriff, the Chief of Police, the EMS Chief, the Fire Chief, the City Administrator and the County Administrator. Commissioner DePuy gave a history of this item subsequent to the Board's empowerment designating him to work with the parties involved, and specifically with City Commissioner Lightsey to make this proposal a reality.

Commissioner DePuy reported this item represents a year's worth of meetings, travel, study, and consultation and discussed everything involved at length. Commissioner DePuy referenced correspondence, now a part of the public record that is a direct result of these negotiations dated December 8, 2005 with the subject being City/County Emergency Management. Commissioner DePuy stated basically the letter acknowledges the fact that under the state of Florida statutes and law the responsibility for Emergency

Management Operations – (not daily dispatch of fire trucks and police cars) – an Emergency Operations Center rests at the County level and is an empowerment of the County Commissioners throughout the state of Florida.

Commissioner DePuy reported a part of this letter is an Inter-local Agreement and a 'contract' between the County Commissioners of Leon County and Sheriff Larry Campbell dated 1999 where the County took the power vested in the Commission and 'transferred' that to the Sheriff. Commissioner DePuy stated the letter he is referencing is signed off on by the City Attorney Mr. English, and the County Attorney Mr. Thiele acknowledging once and for all that the County Commissioners are responsible for Emergency Management.

Commissioner DePuy confirmed state law declares the County Commission has the power to declare a state of emergency. This is not a part of the agreement on Joint Dispatch – this is a separate function of government. Commissioner DePuy stated he personally thinks that this joint dispatch achievement is a major victory for the City of Tallahassee and it is time to stand down on talk of consolidating law enforcement agencies at this time.

Commissioner DePuy moved, seconded by Commissioner Thael to approve Option 1: Accept the City's letter and formerly adopt the creation of the Public Safety Communications Board (PSCB) as the oversight body for the joint dispatch. The PSCB will consist of the Sheriff, Police Chief, Fire Chief, City Manager, and County Administrator. Direct the PSCB convene to start the process of consolidating the dispatch functions. In addition, the County will "stand down" from pursuing law enforcement consolidation.

- Commissioner Proctor declared he wanted to hear from the major stakeholders involved in this issue prior to Commission discussion. He stated he wants those involved to speak up now and not comment later that this was something they did not want.

Speakers:

Deputy Police Chief Proctor stated Chief McNeill was unable to attend and that Commissioner DePuy summarized Chief Proctor's thoughts on this issue very well. The Tallahassee Police Department (TPD) has always supported the most effective delivery of public safety services that does not require a consolidation of law enforcement. It just requires consolidated dispatch. The City Commission has worked well with the County on this issue. The TPD does not favor consolidated law enforcement.

Sheriff Campbell stated he has learned some things throughout this process but also noted that this idea is not a new one. He has made no secret he is for the merger of law enforcement. Sheriff Campbell agrees with the

consolidation of emergency dispatch and thinks this is a step in the right direction toward getting the closest available unit to respond to an emergency.

EMS Chief Quillan stated he believes we need to move forward with the Joint Dispatch Center. He believes this is imperative and that it should be done post haste for the protection of citizens to provide the very best service they can.

County Administrator Alam stated he has absolutely no reservations in having a Joint Dispatch Communications System.

- Commissioner Grippa thanked Commissioner DePuy and City Commissioner Lightsey for their hard work on this issue. He stated he is comfortable with the motion as it relates to joint dispatch; but he is very uncomfortable with the part of the motion that takes the Board's top priority – the consolidation of law enforcement off the table. Commissioner Grippa asked the County Attorney how this agenda item was put on the agenda procedurally and if there was direction to pull consolidation from this discussion.
- County Attorney Thiele indicated he did not recall pulling the consolidation issue as part of this discussion.

*Commissioner Grippa discussed the history of law enforcement consolidation.*

- Commissioner Grippa stated he did not understand the rationale behind taking the law enforcement consolidation issue out of the picture and therefore will vote against this motion. He supports joint dispatch; but not tabling law enforcement consolidation and does not think procedurally the two items can be put together in this motion.
- Commissioner DePuy asked the County Attorney for direction on how to get the motion in the proper format.
- County Attorney Thiele stated there is no procedural problem with the motion on the floor.
- Commissioner Sauls stated she did not want to vote against the Joint Dispatch Center and asked Sheriff Campbell if they could try the Joint Dispatch Center for a period of six months and see if that might help the two law enforcement agencies to make room for compromise.
- Sheriff Campbell stated the fact that everyone involved agreeing to move forward with joint dispatch is a step in the right direction. However, the Joint Dispatch does not give police officers additional jurisdiction. The TPD cannot go out into the unincorporated areas to answer and respond to calls. Florida statutes are explicit on the jurisdiction. Currently there is a problem with dispatching 'the closest available unit' due to these jurisdictional restraints.

- Commissioner Sauls asked if there was any type of joint waiver or joint agreement the Sheriff and the TPD could make to change this situation so that 'the closest available unit' could respond to a situation.
- Sheriff Campbell stated he has had a "Mutual Aid Agreement" with the TPD for many years; but this only goes so far.
- Commissioner Sauls asked if this is by Chief McNeill's choice, or by statute. Could Chief McNeill go further.
- Sheriff Campbell stated it is up to him.
- Commissioner Sauls stated she is looking for a compromise on this matter. She would hate to see us lose the Joint Dispatch.
- Deputy Chief Proctor stated he disagreed with Sheriff Campbell. There are Mutual Aid Agreements with municipal agencies within their jurisdictions where they do grant those agencies the ability to operate outside of their city limits. There is certain information in their Memorandums of Understanding (MOU's) that gives them the authority with the sanction of the sheriff. However, in this situation, that authority is not given here in Tallahassee. The authority Commissioner Sauls is talking about could be given through an MOU; but is restricted at this point.
- Commissioner Proctor stated we need a Citizen's Review Board over law enforcement. Supports the motion.
- Commissioner Grippa asked the maker of the motion what the exact language is that is undoing the law enforcement consolidation effort that the Board voted to support earlier.
- Commissioner DePuy stated his motion was to take it off the radar screen, to take it away, to reconsider the Board's vote.
- Commissioner Grippa stated he wanted to make sure the Board was taking action in a procedurally correct manner. Commissioner Grippa stated this agenda item calls for the next steps in the creation of a Joint Dispatch. Thus, the public has not been noticed as it relates to the consolidation issue. Commissioner Grippa stated moreover, the previous action of this Board was to move forward with consolidation to send charter language to the City. To his knowledge, the City has not yet responded to that.

*Commissioner Rackleff called for a point of information.*

- Commissioner Rackleff asked the County Attorney if he stated earlier that the motion as stated by the motion maker was procedurally correct.
- County Attorney Thiele stated it is on the basis that apparently Commissioner DePuy has received information that there is a modification that came back from the City. County Attorney Thiele discussed the various actions the Board could take.
- Commissioner DePuy stated there was no deal with the City and he wanted to make his motion procedurally correct.

Commissioner DePuy moved an amended motion seconded by Commissioner Thael to approve Option 1 only: Accept the City's letter and formerly adopt the creation of the Public Safety Communications Board (PSCB) as the oversight body for the joint dispatch. The PSCB will consist of the Sheriff, Police Chief, Fire Chief, City Manager, and County Administrator. Direct the PSCB convene to start the process of consolidating the dispatch functions. Motion carried 6-0, with Commissioner Winchester absent.

Commissioner DePuy moved, seconded by Commissioner Thael to waive the rules to reconsider previous Board action regarding law enforcement consolidation. Motion carried 5-1, with Commissioner Grippa opposed and Commissioner Winchester absent.

Commissioner DePuy moved, seconded by Commissioner Rackleff to rescind previous Board vote on consolidation of law enforcement of the Sheriff's Department and the Police Department of Leon County. If in 180 days action to create the PSCB fails, the Board can take up the law enforcement consolidation issue at a future point. Motion carried 5-1, with Commissioner Grippa opposed and Commissioner Winchester absent.

*Commissioner Sauls asked the maker of the motion to consider a friendly amendment that would let the Board look at the consolidation issue after a certain period of time if the Joint Dispatch does not help solve some of the problems. The maker of the motion agreed.*

Board discussion ensued.

17. Consideration of Funding Request in the amount of \$10,000 from the Southern Christian Leadership Conference to Commemorate the Tallahassee Bus Boycott's 50<sup>th</sup> Anniversary

- County Administrator Alam presented the item to the Board.

Commissioner Thael moved, seconded by Commissioner Sauls to approve Option 1: Approve the funding request from the Southern Christian Leadership Conference in the amount of \$10,000 and approve the associated budget amendment. Motion carried 5-0, with Commissioner Grippa out of Chambers and Commissioner Winchester absent.

18. Approval of Construction and Indemnification Agreement Between Leon County and Killearn Lakes Homeowners Association for the Killearn Lakes Restoration Project

- County Administrator Alam presented the item to the Board.

Speaker:

Brad Trotman, 7110 Beechridge Trail Killearn Lakes Homeowners Association's Executive Director thanked everyone who kept this project alive. The Board of Directors of Killearn Lakes has signed off on this project.

*Commissioner Proctor and Commissioner DePuy expressed their desire to hear from the District Commissioner, Commissioner Grippa on this item. Commissioner DePuy related that Commissioner Grippa had been called to another meeting and would return momentarily.*

- County Attorney Thiele reported the document has been modified and the language is acceptable to the County Attorney's Office, to the Killearn Lakes Homeowner's Association, and Commissioner Grippa. Reported they have addressed the big issue – the ability to provide the insurance and bonding mechanism.

Commissioner Thael moved, seconded by Commissioner DePuy to approve Option 1: Approve the Construction and Indemnification Agreement between Leon County and Killearn Lakes Homeowners Association and authorize Chairman to execute. Motion carried 5-0, with Commissioner Grippa out of Chambers and Commissioner Winchester absent.

19. Approval of the Florida Forever Grant Funding Agreement with Northwest Florida Water Management District in the amount of \$322,000 for the Killearn Lakes Restoration Project

- County Administrator Alam presented the item to the Board as the second part to Item Number 18 that was just approved.

Commissioner DePuy moved, seconded by Commissioner Thael to approve Options 1 and 2: 1) Approve the Florida Forever Grant Funding Agreement in the amount of \$332,000 with Northwest Florida Water Management District and authorize the Chairman to execute and 2) Approve the Resolution and associated Budget Amendment Request for \$579,000. Motion carried 5-0, with Commissioner Grippa out of Chambers and Commissioner Winchester absent.



**Public Hearings, 6:00 p.m.**

20. First and Only Public Hearing to Adopt a Proposed Ordinance Regarding an Amendment to the Official Zoning Map to Change the Zone Classification from the RP (Residential Preservation) and BCS (Bradfordville Commercial Services) Districts to a PUD (Planned Unit Development) Zoning District (RZ #504

- County Administrator Alam presented the item and reminded the Board of their direction to Staff to resolve issues with this item.
- Roxanne Manning, Manager Land Use Planning Division gave an overview of the four options available on this item. Staff recommends Option 4 which is a result of negotiations between property owners, adjacent property owners, and County Staff led by Commissioner Grippa. Staff is recommending adoption of the Ordinance with a mandatory condition of approval which requires an interconnection be shown. A future interconnection will go up to the northwest and it will be shown on the platte as open space with a future interconnection. That will remain this way until the property to the northwest is developed. At that time, this will trigger execution of the condition for construction of an interconnection and at that time the connection to Velde Dairy Road will be closed. Ultimately the project's main ingress and egress or only ingress will be to the northwest and go to Bradfordville Road.
- County Attorney Thiele wanted to ensure that for the Board's records the condition that Ms. Manning just read has been accepted by the Applicant as well.

**Speakers:**

- Mr. Mike Askari, 3066 Killearn Point, Developer thanked Larry Block, George Bateman and other neighbors who helped get this project approved. He thanked the Board for following the established law noting the Commissioners set an example for everyone that as long as applications for any type of development follow the law 100% of the time the approval will not be difficult.
- Luis Serna, 3559 Timberlane School Road representing Fortune Homes stated he was available to answer any questions.
- Mike Whiddon, 6497 Velda Dairy Road thanked the Board for continuing this matter to give he and his neighbors time to work with Mr. Askari and reach a compromise. In particular thanked Commissioner Grippa, County Attorney Thiele, County Administrator Alam and County staff for taking the time to work with him on this matter. Also thanked Mr. Askari's engineers at Barnum & Associates for modifying the design and Mr. Askari for his patience during all the delays and for agreeing to work out issues residents had with the proposed development.

- Larry Block, 5189 Widefield Drive agreed with the comments made by Mr. Whiddon and thanked Mr. Askari for being a reasonable and good businessman. Although Mr. Askari has the right to build in the area Mr. Block does not want the 'human rights' of residents to be forgotten. Is still concerned about the density. Thanked Commissioner Proctor for the kind words he spoke about him at a previous meeting – has never been so honored.

Commissioner Thael moved, seconded by Commissioner Sauls to approve Option 1 as amended: Conduct the first and only public hearing and adopt a proposed Ordinance amending the Official Zoning Map to change the zone classification from the RP (Residential Preservation) and BCS (Bradfordville Commercial Services) districts to a PUD (Planned Unit Development) zoning district, with the conditions of the Leon County Development Review Committee and the additional condition that the development will provide for interconnection to the adjacent property to the north based on the findings of fact and conclusions of law contained herein and in the Hearing hereon. Motion carried 5-0, with Commissioner Grippa out of Chambers and Commissioner Winchester absent.

21. Second and Final Public Hearing on a Proposed Ordinance to Provide for a Rezoning from Rural to Urban Fringe located on Property Fronting on the North Side of Mahan Drive East of Hawks Landing Drive

- County Administrator Alam presented the item to the Board.

Commissioner Sauls moved, seconded by Commissioner DePuy to approve Option 1: Conduct the second and final public hearing and adopt the proposed rezoning Ordinance from Rural to Urban Fringe on 232 acres fronting on the North Side of Mahan Drive East of Hawks Landing Drive, based upon the findings of fact and conclusions of law set forth in this agenda request, those findings identified by the Board at the meeting, and any evidence submitted at the hearing hereon. Motion carried 3-2, with Commissioners Rackleff and Thael opposed, Commissioner Grippa out of Chambers, and Commissioner Winchester absent.

22. Second and Final Public Hearing on a Proposed Ordinance to Provide for a Rezoning from Residence 2 to Residence Preservation Located on Property in the Oak Ridge Neighborhood, South of Ross Road

- County Administrator Alam presented the item to the Board.

Commissioner Thael moved, seconded by Commissioner Sauls to approve Option 1: Conduct the second and final public hearing and adopt the proposed rezoning Ordinance amending the Official Zoning Map from Residence 2 to Residential Preservation on 25.1 acres located in the Oak

Ridge Neighborhood south of Ross Road based upon the findings of fact and conclusions of law set forth in this agenda request, those findings identified by the Board at the meeting, and any evidence submitted at the hearing hereon. Motion carried 5-0, with Commissioner Grippa out of Chambers and Commissioner Winchester absent.

23. First of Two Public Hearings on a Proposed Ordinance Amending Chapter 10, Article XIV, Division 2, of the Leon County Code of Laws, Relating to the Aquifer Wellhead Program

- County Attorney Thiele presented the item to the Board.

Commissioner Sauls moved, seconded by Commissioner DePuy to approve Option 1: Conduct the first of two public hearing on the proposed Ordinance amending certain sections of Chapter 10, Article XIV, Division 2, of the Leon County Code of Laws relating to the Aquifer Wellhead Program on May 9, 2006 at 6:00 p.m., and schedule second public hearing for May 23, 2006 at 6:00 p.m. Motion carried 5-0, with Commissioner Grippa out of Chambers and Commissioner Winchester absent.

24. Continue the Public Hearing for the Proposed Abandonment of Old Buck Lake Road to May 23, 2006 at 6:00 p.m.

- County Administrator Alam presented the item to the Board.

Commissioner Thael moved, seconded by Commissioner Sauls to approve Option 1: Continue the public hearing to consider the Old Buck Lake Road abandonment request to May 23, 2006. Motion carried 5-0, with Commissioner Grippa out of Chambers and Commissioner Winchester absent.

**Citizens to Be Heard on Non-Agendaed Items (6-minute limit)**

**Speakers:**

Sherri Kasper, 2528 Capital Circle S.E., co-owner of Northwood Animal Hospital stated they purchased Southwood Animal Hospital a year ago. In purchasing the Hospital they did not actually purchase the building because of the road expansion on Capital Circle S.E. The road expansion means they have no parking. She gave an overview of the zoning problem she is there to address. They are zoned in an Activity Zone which says that a veterinary hospital is allowed. However, has since discovered that zoning allowance is correct for the City, but not for the County. She requested the Board provide a zoning change.

Commissioner Rackleff moved, seconded by Commissioner Thael to authorize City staff to permit the zoning in anticipation of pending voluntary annexation. Motion carried 5-0 with Commissioner Grippa out of Chambers and Commissioner Winchester absent.

- County Attorney Thiele reported his office would send a letter to the City and that the pending voluntary annexation request has already crossed his desk.

Sam McDowell, 2012 Silver Lake Road thanked Commissioner Sauls for the assistance she has provided his family on this matter. He expressed serious concerns regarding his family's cemetery. A land developer is seeking to develop areas of the cemetery that would violate his deceased relatives by exposing their vaults many of whom died serving our country. Named several ways the developer, Mr. Tutor has attempted to defraud the County. He requested the Board stop Mr. Tutor from violating the cemetery.

*Board discussion ensued with Commissioner Sauls asking the County Attorney and Staff what could be done to ensure the cemetery is not disturbed.*

- David McDevitt, GEM Director stated the only thing Mr. Tutor has been issued is an electrical permit to put up a power pole. He has not requested any building permits.
- Mr. McDowell reported he has in his possession a letter of exception applied for by Mr. Tutor to the previous property owner. The purchase date for the property is April 12, 2006. Mr. Tutor refused to record this purchase. Mr. McDowell stated this action is an attempt to defraud the State. Mr. McDowell discussed several violations Mr. Tutor has committed.
- Mr. McDevitt stated the affidavit Mr. McDowell referred to does not grant Mr. Tutor any development rights. However, the GEM Department can put a 'red flag' in the permitting system on this matter to ensure if there are requests for permits in the future they can ensure the integrity of the cemetery is kept in tact.
- Commissioner Sauls requested Mr. McDevitt 'red flag' this property to prevent any harm to the cemetery.
- Mr. McDowell discussed the history of this matter and voiced concern that Mr. Tutor is violating state statutes and law.
- After a request for direction from Commissioner Thael, County Attorney Thiele indicated Mr. McDowell's proper procedure at this point would be to file a complaint with the State Attorney's Office since some of his allegations relate to violations the State Attorney's Office would handle and are not County matters.

Board discussion ensued.

Commissioner Sauls moved, seconded by Commissioner DePuy to agenda this matter for staff review for the June 9, 2006 Regular Board of County Commission meeting. In addition, staff is directed to "red flag" and monitor the parcel and take enforcement action if necessary. Motion carried 5-0, with Commissioner Grippa out of Chambers and Commissioner Winchester absent.

### **County Attorney**

Reminded the Commissioners, staff and citizens to prepare 15 copies of any materials distributed to the Board for the public record, Agenda Coordinator and the County Attorney and County Administrator's Office. There are often not enough copies of handouts needed to complete the official public record of the minutes which causes serious time consuming delays when preparing the final copy of the minutes for the official public record.

### **County Administrator**

No additional comments.

- Commissioner Proctor requested the County Administrator to have staff announce meetings the Commissioners are to attend in the next week. He just learned today they have a Joint City County Commission Meeting next week on Monday. Thinks it would be helpful for all the Commissioners if under the County Administrator's time he could make this announcement.
- County Administrator Alam indicated he would do that, however all the meetings are listed in the Agenda Outline.

### **Discussion Items By Commissioners**

#### **Commissioner Rackleff**

Wanted to thank the staff for readjusting the camera at the podium so speakers and Commissioners can see each other when addressing each other. Requested a 2006 calendar on the wall by the dais again.

#### **Commissioner Sauls**

No additional comments.

**Commissioner DePuy**

No additional comments.

**Commissioner Thael**

Appointed Mr. David Brown, Executive Director of Sportability to the Parks and Recreation Advisory Team (PRAT).

Made a request on behalf of Commissioner Grippa to make a funding request for Joshua Gehres to attend the Global Young Leadership Conference. Total cost is \$3,364 and Mr. Gehres is requesting \$1,000 funding assistance from the Board.

Commissioner Thael moved, seconded by Commissioner Sauls to agenda consideration of a funding request in the amount of \$1,000 for Joshua Gehres to attend the Global Young Leadership Conference. Motion carried 5-0, with Commissioner Grippa out of Chambers and Commissioner Winchester absent.

Requested support to use \$600 from his Commission budget to purchase respirators for recovery workers in New Orleans. Request was made without objection.

Residents from Stern Street neighborhood off of Gaines Street have asked him to solicit assistance from the County and the City to consider ways to redevelop their area. A lot of issues need to be addressed. Residents are interested in Blueprint 2000, and are concerned about how the Cascade Trail might affect this area. They would appreciate direction regarding any grants or proposals that could be offered to assist them. Commissioner Thael would like to be involved on the County's behalf and ask a City Commissioner, and the Director of Blueprint 2000 to join in the effort to address these citizens' concerns. Request was made without objection.

- Commissioner Proctor acknowledged it was interesting that less than 100 yards from Stern Street the County is talking about using hundreds of millions of dollars for development yet this area has been left in the dark ages in terms of pavement, sidewalks, lights. He supports Commissioner Thael's efforts wholeheartedly.

**Commissioner Proctor**

Requested a Resolution for Erica Gilliam, an outstanding Richards High School Scholar featured in Ebony Magazine as one of the top seniors in the nation. Request was made without objection.

Requested a Resolution recognizing one of the recipients of the Volunteer of the Year Award, Mr. Darryl Jones, Chairman of the Enterprise Zone.

Attended a gathering celebrating the Outstanding Neighborhoods. Would like to see Staff meet with those communities and devise a celebration event with them.

**There being no further business to come before the Board, the meeting was adjourned at 7:10 p.m.**

**The next Board of County Commissioners Meeting is scheduled for  
Tuesday, May 23, 2006 at 3:00 p.m.**

APPROVED: \_\_\_\_\_  
Bill Proctor  
Chairman

ATTEST:

\_\_\_\_\_  
Bob Inzer  
Clerk of the Circuit Court